



Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

June 16, 2022

James Barrette
9907 14 St.
Kenosha, WI 535144

Sent via email: jimbarrette@wi.rr.com

**Re: Complaint Filed with the Wisconsin Elections Commission
EL 22-53 Barrette v. Shramek**

Dear Mr. Barrette,

On June 8, 2022, the Wisconsin Elections Commission (Commission) received a sworn complaint from you naming the Paddock Lake municipal clerk, Michelle Shramek, as the respondent. Wis. Admin. Code § EL 20.04(1) requires that I review the complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form, and states probable cause.

The complaint cites Wis. Stat. § 5.85 and alleges that you witnessed an election inspector remake absentee ballots by his or herself when at least one inspector from each political party should have participated. Your complaint is timely, and the situation you allege to have witnessed could lead to a finding of probable cause that the actions of an election official were contrary to law. However, the election official you name as the respondent, the municipal clerk, is not described in the actions you allege. Therefore, I am returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

Sufficiency as to Form

A Wis. Stat. § 5.06(1) complaint concerns the actions of “an election official,” and requires the complainant to request that “*the official* be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law” (emphasis added).

You have not named as a respondent the election inspector that you are alleging remake absentee ballots alone, and you have not explained how the event you describe relates to any action of the municipal clerk. As written, this complaint could be sent only to the municipal clerk, but because she is not described in the action alleged there would be nothing for her to respond to. To correct this error, you would need to name as respondents the election official or election officials who you believe acted contrary to law and then describe in detail the specific actions that those officials took. Additionally, your complaint may be accompanied by supporting evidence. Any evidence that you believe shows that the events you allege took place could be included in your complaint.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

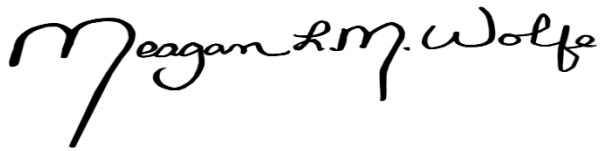
Administrator
Meagan Wolfe

Conclusion

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), as it fails to meet the form requirements of a complaint by not alleging that a respondent election official acted contrary to law. I have specified the defects in the complaint (form), and provided information needed to cure the defect (connect the alleged actions to the specific respondent or respondents). You have the opportunity to address the issue described in this letter and resubmit this complaint.

The Commission now considers this matter closed.

Sincerely,

A handwritten signature in black ink that reads "Megan Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe
Administrator
Wisconsin Elections Commission

cc: Members, Wisconsin Elections Commission

Enclosure